United Nations CRPD/C/SR.409

Convention on the Rights of Persons with Disabilities

Distr.: General
21 September 2018

Original: English

Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 409th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 September 2018, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Poland

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-14745 (E) 120918 210918

1814745

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Poland (CRPD/C/POL/1; CRPD/C/POL/Q/1 and CRPD/C/POL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Poland took places at the Committee table.*

2. **Mr. Michalkiewicz** (Poland), introducing his country's initial report (CRPD/C/POL/1), said that support for and integration of persons with disabilities and their families were among his Government's priorities. All actions in that regard were taken after consulting persons with disabilities and their representative organizations. Dialogue also took place within the National Advisory Council for Persons with Disabilities and the Polish Sign Language Council.

3. An interministerial team for the implementation of the Convention had been set up. Progress had been made with regard to family policy, education, architectural and digital accessibility, and mobility. Change in the areas of supported employment, education, personal assistance, respite care and the accessibility of public spaces and services was ongoing. The existing systems for the assessment of disability and incapacity for work would be merged.

4. Work on a Disability Strategy for 2018–2030, incorporating a comprehensive national policy framework for persons with disabilities, was being finalized. The Strategy was designed to increase and improve the quality of participation of persons with disabilities in social and professional life. In drawing up the Strategy, priority had been given to the voice of persons with disabilities and their families and representative organizations, and their proposals relating to employment, education and medical, social and vocational rehabilitation had been taken into account.

5. The family was at the centre of his Government's policies. The "For Life" programme, adopted in 2016, set out the framework for the provision of comprehensive support — psychological, social and economic — to families of persons with disabilities. The initiatives carried out under the programme were described in paragraph 1 of the replies to the list of issues (CRPD/C/POL/Q/1/Add.1). At least $162 million in government funding was allocated each year for the programme's implementation.

6. In May 2018, his Government had presented a road map for the development of the support system for persons with disabilities, which would comprise a solidarity fund, a social responsibility package and the "Friendly Poland — Accessibility Plus" programme. Resources from the solidarity fund would be allocated to social and vocational support services. The social responsibility package would provide, inter alia, for new cash benefits, additional vocational rehabilitation and supported employment measures, and a reformed disability assessment system.

7. An important aspect of the National Housing Programme was the elimination of barriers that prevented persons with disabilities from living independently. To that end, the Programme included an obligation to build accessible flats. Furthermore, as part of the "For Life" programme, financial support had been increased for investment projects under which housing units were set aside for families that included children with disabilities.

8. Under the "Family 500+" programme, families that included children with disabilities enjoyed favourable arrangements with regard to eligibility for child benefit. Persons who had been disabled since childhood had the right to a social pension, even if they had never paid social insurance contributions and were unable to work. The amount of the pension had been raised by nearly 40 per cent over the past three years. Other benefits compensating for disability-related costs were increased regularly and the group of people receiving them was being expanded. In 2017, a record amount of $4.5 billion had been earmarked for support for persons with disabilities and their families.

9. A large-scale process of deinstitutionalization was under way. In that connection, a network of sheltered housing units was being developed and independent living services were being further tailored to individual needs. Day-care centres and community self-help homes for persons with mental disabilities were being set up, and a community-based programme had been launched to provide emergency and outpatient mental health care.

10. The "Friendly Poland — Accessibility Plus" programme, described in paragraph 63 of the replies to the list of issues, was aimed at improving quality of life for persons with disabilities and paving the way for independent living for all. The programme was based on an integrated approach, pursuant to which all future draft laws would undergo a disability impact analysis. A draft law on accessibility was in the pipeline and would provide the legal basis for effective implementation of the accessibility principle. Under the draft law, accessibility audits would be carried out of all large-scale investment projects and amendments would be made to existing laws and regulations, such as the Road Traffic Act.

11. There were plans to launch an education campaign on accessibility, along with training courses for various groups of professionals on the rules of universal design. European Union Directive 2016/2102 (EU) of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies was being incorporated into national legislation and would be implemented in full in all public institutions. The regulations on the accessibility of the Internet would ensure that persons with disabilities could use universal services online, and businesses would be supported in making their websites accessible.

12. Polish law ensured the right to defence of persons with disabilities and protected the rights of legally incapacitated persons and of vulnerable persons in general. To ensure physical accessibility, court buildings had been fitted with wheelchair ramps, and amenities such as videoconferencing equipment and sign language services were available, along with online access to case-related information.

13. The place of a child with a disability was among peers in a public school; that principle was guaranteed in the Act on the Education System, further details of which were contained in paragraph 319 of the initial report. The choice of the form of education belonged to parents, and to students themselves if they had reached the age of majority. Early development support offered from birth significantly increased educational opportunities for children with disabilities. Educational materials were being adapted to meet the needs of those children, and appropriate teacher training was being carried out. Centres providing rehabilitation, physiotherapy, speech therapy and similar services for children with disabilities or at risk of disability had been established under the "For Life" programme. Work was ongoing to develop a system of functional diagnosis, based on a biopsychosocial model of disability, for conceptualizing the special needs of children with disabilities. Inclusive education centres would be set up to provide counselling and support to parents.

14. Medical rehabilitation services were being adapted to better meet patients' needs and coordination with other support services was being enhanced; new rehabilitation standards were being prepared. In addition, a law had been passed guaranteeing special rights for persons with severe disabilities regarding access to health-care and rehabilitation services and to medical devices.

15. The number of persons with disabilities in work was steadily increasing. Support for employers of persons with disabilities would be improved, along with arrangements to help persons with disabilities enter the open labour market. New measures relating to supported employment would be introduced, targeting those persons facing the greatest barriers to labour market integration.

16. **Mr. Ruskus** (Country Rapporteur) said that Poland was to be commended on the adoption of the "Friendly Poland — Accessibility Plus" programme, which, he hoped, would receive sufficient funding for its successful implementation, and on the revision of the Telecommunications Act and the law on the digitization of the operations of public sector bodies, which were aimed, respectively, at rendering telephone services and information held by public sector bodies more accessible to persons with disabilities. At the

same time, it was disappointing that recent amendments to the Election Code of 2011 had made voting procedures for persons with moderate or severe disabilities more onerous.

17. Persons with disabilities continued to face considerable challenges to the enjoyment of their rights on an equal basis with others. The fact that the State party continued to take a charity and social protection approach to disability, rather than adopting a human rights-based model, was a matter of deep concern. There should be more focus on measures promoting full social inclusion, equality and non-discrimination.

18. National legislation, policies and programmes were poorly harmonized with the provisions of the Convention. In particular, definitions of disability and disability assessment mechanisms highlighted individual incapacity to work or to effectively perform social roles, thus perpetuating negative stereotypes. Furthermore, professionals working with persons with disabilities were often unaware of the rights of those persons and of obligations arising from the Convention.

19. Women with disabilities were at disproportionate risk of gender-based violence and faced significant barriers to the exercise of their sexual and reproductive rights. They were also disproportionately affected by negative stereotypes, lack of access to access justice, dependency on benefits and difficulties in finding employment, especially women with psychosocial and/or intellectual disabilities.

20. According to reports, around 90,000 persons with psychosocial and/or intellectual disabilities in the State party had been fully or partially deprived of legal capacity on the basis of their disability, and that number was growing. Such persons were often placed in segregated institutions and there was a lack of supported decision-making mechanisms that respected their autonomy, will and preferences.

21. The Committee was concerned about the State party's reservations to articles 23 (1) (a) and (b) and 25 (a) of the Convention and its interpretative declaration regarding article 12 and about the fact that Poland had not yet acceded to the Optional Protocol to the Convention. Lastly, it wished to know whether Poland intended, like other States such as Portugal, to oppose the adoption of the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment. The draft Additional Protocol legitimized the use of force and arbitrary deprivation of liberty against persons with psychosocial and/or intellectual disabilities, contained stigmatizing language in their regard and breached the right to non-discrimination.

Articles 1–10

22. **Mr. Kabue** asked what measures had been taken to resolve the linguistic issues relating to the Polish translation of the Convention and to align the degrading definition of disability contained in national legislation with that found in the Convention. Information on any plans to withdraw the State party's reservations to articles 23 (1) (a) and (b) and 25 (a) of the Convention would be welcome. He also wished to know whether the State party intended to accede to the Optional Protocol to the Convention and whether it had any specific reasons for not having done so to date. He wondered how persons with disabilities and their representative organizations had been involved in the preparation of the Disability Strategy for 2018–2030. Lastly, he would like to know what measures had been taken to combat violence against and abuse of women with disabilities and to ensure that they were economically empowered and had access to reproductive health-care services.

23. **Mr. Langvad** said that he would appreciate an update regarding the status of the Polish translations of the Committee's first six general comments. In the light of the economic growth experienced by Poland, he wondered how the State party was honouring its commitment to take measures to the maximum of its available resources to improve the situation of persons with disabilities. He wished to know how women and girls with disabilities who were also members of other minorities, including sexual minorities, were protected. He would welcome information on the collection of data on women and girls with disabilities and on consultations with their representative organizations regarding the development — based on those data — of policies and campaigns to address such issues as

violence, institutionalization and sexual and reproductive health. In the same vein, he would be interested to hear about measures taken to strengthen research so that data on intersectional discrimination against women and girls with disabilities could be disaggregated. He would be grateful for information on awareness-raising campaigns to promote the rights of persons with disabilities and to combat prejudice and stereotyping and on efforts to involve senior public officials, politicians, police officers, teachers and members of the legal professions in such campaigns. Information on how organizations of persons with disabilities were consulted regarding awareness-raising work would also be useful. Lastly, he would appreciate additional details of initiatives to increase accessibility in the State party.

24. **Mr. Chaker** asked whether any specific plans had been drawn up to protect women and girls with disabilities from violence, whether they received sex education in schools, whether lesbians with disabilities faced double discrimination and whether the Government provided them with protection and support. He would welcome information on awareness-raising campaigns promoting the contribution, capabilities and rights of persons with disabilities and on State funding for such campaigns.

25. **Mr. Martin** asked whether persons with intellectual disabilities were able to form representative organizations and what measures had been taken by the Government to ensure that all persons with disabilities were involved in the planning and delivery of campaigns to raise awareness of their rights.

26. **Mr. Tatić** said that he would appreciate further information on the legal framework in place to protect persons with disabilities from discrimination. It was unclear whether denial of reasonable accommodation was considered a prohibited form of discrimination in areas other than employment, as was required under the Convention. The Committee's general comment No. 6 (2018) on equality and non-discrimination might prove particularly instructive in that regard. Additional information on the measures taken to combat multiple and intersectional discrimination would also be welcome.

27. He wished to know whether the forthcoming law on accessibility would establish an obligation to monitor compliance, whether organizations of persons with disabilities would be involved in the monitoring process and what penalties would apply in the event of non-compliance. It would be helpful if the delegation could comment on the availability of information in Easy Read formats for persons with intellectual disabilities and on the number of sign language interpreters working in the country. Lastly, he wondered whether there were any plans to refurbish the fleets of public transport vehicles currently in service with a view to improving their accessibility. What was the role of public procurement in that context?

28. **The Chair** said that she wished to know whether organizations of persons with disabilities had been involved in the design of the new disability assessment system; whether the system reflected the human rights-based model of disability; whether persons with disabilities were actively involved in generating the information on the basis of which assessments were made; whether the practice of using multiple assessment methods had been discontinued in order to lighten the burden on applicants and to promote consistency and transparency in decision-making; whether information on assessment requirements was accessible and user-friendly; and whether disability assessment processes were regularly reviewed and scrutinized. She wished to recommend that, in future reports to the Committee, the State party should not include information on the measures taken to prevent impairment and disability, as such measures did not constitute a means of implementation of the Convention.

29. **Mr. Pyaneandee** said that he would be grateful for further information on the mechanism used to document complaints of discrimination and recent statistics on such complaints. It would be useful to learn what kind of complaints had been received and what remedies had been provided to victims.

30. **Mr. Basharu** asked what measures had been taken to end the isolation of children with disabilities and what efforts were being made to empower them, nurture their self-expression and ensure their dignity and autonomy.

31. **Mr. Ruskus** said that he would appreciate more information on the provisions under which perpetrators of hate crimes, including those motivated by disability or sexual orientation, were prosecuted. He wished to know what measures had been taken by the State party to ensure that standards and guidelines for products, programmes and services were based on universal design principles so as to ensure that they could be used by all persons with disabilities. Lastly, he wondered what training was provided to raise awareness among relevant professionals of their obligations and the rights of persons with disabilities under the Convention.

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

32. **Ms. Maciejewska** (Poland) said that, in response to concerns raised by non-governmental organizations (NGOs), among other stakeholders, corrections to two articles of the official Polish translation of the Convention had been published on 15 June 2018. One of those corrections had concerned the translation of the word "mental" in article 1. Prior to the ratification of the Convention, broad and extensive consultations had been held with NGOs regarding the Polish translation. Further proposals made by organizations of persons with disabilities had been taken into account at a later stage.

33. Poland had no immediate plans to accede to the Optional Protocol. One reason was the limited number of individual communications that the Committee had considered, which made it difficult to analyse how the instrument would be interpreted and what obligations might be imposed on States parties. There were also doubts concerning the implications in the area of social rights. In addition, the procedures for reimbursing the costs associated with the individual communications procedure had yet to be established. Poland had taken the same position with regard to other similar instruments. However, the matter was under discussion.

34. **Ms. Iwanczyk** (Poland) said that the Disability Strategy for 2018–2030 would cover nearly all areas of the lives of persons with disabilities and had been designed to comply with the Convention. Consultations on the Strategy had been held with the National Advisory Council for Persons with Disabilities, a body made up of NGO representatives, and with organizations of persons with disabilities. Women's organizations and organizations of persons with disabilities had been involved in the implementation of a previous project designed by NGOs to implement the Convention.

35. **Mr. Pelczarski** (Poland) said that significant resources had been committed to improve the lives of persons with disabilities. For example, the "For Life" programme for the period 2017–2021 had a budget of more than 3 billion zlotys (Zl), while families in which one member had a disability had received over Zl 1.3 billion under the "Family 500+" programme. The social pension now amounted to over Zl 1,000 per person, and benefits for caregivers had also been increased.

36. Poland currently had multiple disability assessment systems, including a system for assessing degrees of disability in adults and children, a work capacity assessment system and systems in use in individual ministries. However, in late June 2018, a dedicated team had completed a project to harmonize the various systems, and the outcomes of its work were expected to be made available in the near future. The system for assessing degrees of disability was implemented at the central and local levels by nearly 300 disability assessment teams and 16 teams that handled appeals.

37. **Ms. Szymborska** (Poland) said that the Constitution established the equality of all persons before the law and the inadmissibility of discrimination on any grounds in political, social and economic life. Any person who had been subjected to discrimination could invoke those constitutional provisions. The Act on Equal Treatment, passed in 2010 to implement a number of regulations of the European Union regarding equal treatment provided for measures to combat acts of discrimination on various grounds, including sex, race, nationality, religion and sexual orientation. The Act covered discrimination by natural and legal persons, and by certain organizational units that did not constitute legal persons, and provided for compensation for victims of discrimination. Polish law should be seen as a holistic system that guaranteed the equality and dignity of all persons. Some of the issues affecting specific groups, for example women and girls belonging to minority groups, were addressed in other legal instruments.

38. **Ms. Kamedula-Tomaszewska** (Poland) said that, over a period of several years, the Government Plenipotentiary for Equal Treatment had organized a series of training events at the central and regional levels as part of a project on equal treatment as a principle of good governance. Their purpose had been to train civil servants in implementing and monitoring relevant legislation and strategies. The head of the civil service had organized other training events on disability-related issues. In 2017, a national conference had taken place to facilitate the sharing of best practices for the provision of public services to persons with disabilities. Thematic seminars had been held to address the ways in which the accessibility of public services could be improved. Training courses had also been organized for members of the diplomatic corps.

39. **Ms. Matysek** (Poland) said that, under Polish labour law, discrimination on any grounds, including disability, was prohibited. The rights established in other areas of law could also be invoked in the context of employment. Many safeguards were in place to ensure effective access to justice, including free legal aid. Future judges and prosecutors had been able to take a training course on the participation of persons with disabilities in court proceedings. The course had covered such practical matters as the assistance of psychologists and doctors and the provision of sign language interpretation. Disability issues had been addressed in a number of other training courses at the National School of the Judiciary and Prosecution Service. It had recently been decided that additional courses should be organized for future judges and prosecutors in order to strengthen the protection of the rights enshrined in the Convention by enhancing access to justice.

40. **Mr. Charkiewicz** (Poland) said the Criminal Code specified that, in the event that an offence was committed against a vulnerable person, the vulnerability of the victim constituted an aggravating circumstance attracting higher penalties. In 2017, the Criminal Code had been amended to establish a new offence to cover acts of ill-treatment against vulnerable persons, including persons with disabilities. Other amendments had been introduced in criminal law to strengthen the measures in place to protect women with disabilities from domestic abuse. Perpetrators of acts of hate speech motivated by sexual orientation could be prosecuted under the Criminal Code; its provisions on slander and defamation, inter alia, ensured that such discriminatory acts constituted an offence.

41. **Mr. Jaros** (Poland) said that the possibility of withdrawing the reservation entered by Poland to article 23 (1) (a) of the Convention and the interpretative declaration made with regard to article 12 was not currently under consideration. Indeed, their withdrawal would necessitate the introduction of amendments to relevant national legislation. The reservation and interpretative declaration in question related to the concept of incapacitation under Polish civil law. The legislative situation was complicated by the overlap between a number of related legal concepts and the fact that the institution of incapacitation was bound up with the basic principles of Polish civil law. Nevertheless, the Ministry of Justice was currently reviewing the institution of incapacitation. Some days previously, the Ministry's Department of International Cooperation and Human Rights had been authorized to submit a motion to begin the legislative work needed to remedy the situation. It was expected that Polish law would eventually be brought into line with the Convention.

42. **Mr. Kubacki** (Poland) said that Poland did not intend to withdraw its reservations to articles 23 (1) (b) and 25 (a) of the Convention, since it believed that those articles should not be interpreted in a way that either conferred an individual right to abortion or mandated Poland to provide access thereto. Persons with disabilities enjoyed access to reproductive health services on an equal basis with others. Reproductive health issues were included in the 2016–2020 National Health Programme, under which relevant training had been offered to health-care professionals. There was, in addition, a comprehensive reproductive health-care programme, as part of which access to infertility services and related care was being improved. Some Zl 100 million had been allocated for the purpose.

43. **Ms. Prekurat** (Poland) said that the Government remained firmly committed to combating violence against women with disabilities and had adopted the Act on Prevention of Violence within the Family and the National Programme on Counteracting Violence within the Family 2014–2020. The Programme, which was being implemented at the national and local levels, focused on prevention and education, along with protection and support for victims, rehabilitation of perpetrators, and training for police officers and other

relevant professionals. Under the Programme, various forms of assistance were available free of charge to victims of domestic violence, including counselling, crisis intervention and support, protection against further harm, and access to shelters and specialist support centres. The Government had also introduced the "Blue Card" system, which promoted closer cooperation between law enforcement, medical and welfare authorities in charge of responding to acts of domestic violence. In addition, victims had access to a 24-hour hotline offering guidance and support. Information on the range of victim support services available was readily accessible online. The Ministry of Family, Labour and Social Policy had devised specific guidelines on tackling domestic violence, for use by local government authorities, with a separate module focusing on persons with disabilities. It had also organized training sessions on matters relating to domestic violence.

44. **Ms. Lenarcik** (Poland) said that police officers investigated all acts of violence thoroughly, in accordance with the law, irrespective of whether they had been committed on the basis of the victim's disability, age, gender or sexual orientation. Police officers responding to cases of domestic violence took immediate steps to separate the perpetrator and the victim and undertook regular follow-up visits to ensure the victim's safety. A special questionnaire had been devised to help officers determine what forms of protection and support they should offer to victims of violence, including persons with disabilities, taking into account their particular needs. Officers also attended continuing training, including sessions on disability-related issues. With regard to sexual violence, standard procedures for identifying and assisting victims had been introduced, requiring the provision of appropriate psychological support and the use of specialist interviewing techniques.

45. **Ms. Speranza** (Poland) said that the Government was taking steps to end the institutionalization of children with disabilities. From 1 January 2020, the placement of children under the age of 10 in care homes would be prohibited and, from 1 January 2021, the maximum number of children living in a care facility would be limited to 14. Action had also been taken to introduce family-based care models and to recognize foster parenting as a professional occupation.

46. **Mr. Krasuski** (Poland), responding to questions regarding the "Friendly Poland — Accessibility Plus" programme, said that more than Zl 23 billion had been set aside to ensure the effective implementation of the programme, a large proportion of which had come from European structural and investment funds. The programme would be implemented through 44 specific measures, with monitoring by government and NGO representatives. The programme focused on establishing a legal and institutional framework for the development of accessibility; improving access to buildings, public spaces, transport, health-care facilities and cultural institutions; and increasing the use of compensation technologies and assistive technologies, which was expected to confer a competitive advantage on Polish businesses. The Government intended to launch a research and development fund to promote innovation in the field of accessibility.

47. The draft law on accessibility was one element of the "Friendly Poland — Accessibility Plus" programme. The law would impose penalties on organizations, companies and facilities in receipt of public funding that failed to comply with accessibility standards. It was hoped that the law would be adopted by the end of 2018 and implemented by mid-2019. Efforts were also under way to draft legislation on universal design and amend existing sectoral standards. In addition to digital accessibility standards, the Government had adopted legislation stipulating that, in future, public and private television broadcasters would have to offer sign language interpretation and audio description for at least 50 per cent of all programmes.

48. Concerted efforts had been made to consult the general public and organizations of persons with disabilities during the drafting and implementation phases of the "Friendly Poland — Accessibility Plus" programme. The programme itself provided for the establishment of an accessibility council that would, inter alia, issue binding opinions on any future accessibility legislation or standards. Action would be taken to involve NGOs, including organizations of persons with disabilities, in the design and running of national campaigns to raise awareness of accessibility and universal design. Capacity-building

would be provided to that end. In addition, training would be made available to a wide range of professionals on implementing relevant laws and regulations.

49. The "Friendly Poland — Accessibility Plus" programme was also intended to make travel more accessible for persons with disabilities. It provided for the adoption of general accessibility standards for the public transport network and related services, in accordance with the European Accessibility Act. Rolling stock and other public transport vehicles that failed to meet the required accessibility standards would be decommissioned or replaced. Such action had already been taken in larger cities and would be extended to smaller cities in the coming years.

50. The Government had adopted legislation governing the implementation of projects using European structural and investment funds to ensure that they complied with universal design and accessibility standards. Provision of reasonable accommodation was a requirement for education and training projects that used European funding, and there were penalties for non-compliance. At the same time, organizations could apply for co-financing to eliminate barriers to accessibility and inclusion.

Articles 11–20

51. **Mr. Buntan** asked within what time frame the Government planned to remove barriers relating to legal capacity in order to ensure compliance with the Convention and the Committee's general comment No. 1 (2014) on equal recognition before the law. He also wished to know whether persons with disabilities who had been deprived of their legal capacity were able to stand trial, and if so, what measures were taken to provide reasonable accommodation and ensure that they received a fair trial. Noting that sheltered living was common in countries that received European structural and investment funds, he asked whether the Government believed that such arrangements were compatible with deinstitutionalization, and how sheltered living helped persons with disabilities to live independently and be included in the community, given that their freedom to choose their residence was restricted.

52. **Mr. Martin** asked for what period persons with disabilities could have their legal capacity removed, whether such decisions were ever reviewed and what was being done to ensure that legally incapacitated persons with disabilities knew and understood their rights and were provided with information in that regard in accessible formats.

53. **Mr. Pyaneandee**, referring to his earlier question concerning article 5 of the Convention, said that he wished to know how complaints of human rights violations against persons with disabilities were filed, how many complaints had been filed in the past year and what remedies had been provided as a result. Turning to article 13, he asked what was being done to incorporate provisions concerning procedural and age-appropriate accommodations into national legislation, to ensure that persons with disabilities had equal access to justice, and to safeguard the rights of persons with disabilities during pretrial procedures. He also wished to know whether any steps were being taken to enable persons with disabilities to participate directly or indirectly in the justice system, as legal professionals, judges or other judicial staff, or as jurors.

54. **Mr. Alsaif** asked to what extent emergency evacuation plans took account of the needs of persons with disabilities. He also wished to know what steps had been taken to safeguard the rights of persons with disabilities in places of detention and whether custodial staff received training in that regard. He asked whether persons with psychosocial disabilities could, by law, be given medical treatment without their informed consent. Lastly, he wondered what measures had been taken to provide community support services for persons with disabilities so that they could live independently in the place of their choosing.

55. **Mr. Babu** asked when the Government intended to amend the Criminal Code to make it a specific offence to commit hate crimes against persons with disabilities. Regarding personal mobility, he wished to know more about the accommodations provided at driving test centres, the availability of adapted vehicles and any tax breaks that persons with disabilities might receive if they purchased such vehicles. He would also like to know

whether persons with disabilities who held a foreign driving licence were allowed to drive in Poland.

56. **The Chair**, noting that the Polish legal system distinguished between rights holders, who had legal capacity, and rights agents, who had the capacity to perform legal acts, said that, in the Committee's general comment No. 1 (2014), all human beings were recognized as having both legal capacity and agency. She wished to know whether the Government would consider aligning its national law with the Convention and the general comment and abolishing guardianship completely, as Peru had recently done. It was still not clear to her whether the Government would oppose the adoption of the draft Additional Protocol to the Convention on Human Rights and Biomedicine. Lastly, she wondered why the Government had not taken measures to prevent the sexual and psychological violence that had reportedly been committed against lesbian, gay, bisexual and transgender persons and persons with other sexual orientations or gender identities undergoing conversion therapies.

57. **Mr. Langvad** asked whether the Government believed that its concept of living independently within the community was fully in line with that set out in the Committee's general comment No. 5 (2017) on article 19 of the Convention, particularly with regard to the freedom to choose one's residence and the provision of personal assistance. He also wished to know what plans the Government had to ensure that persons with disabilities could continue to live independently should the European Union funding for sheltered living be halted, and whether the Government had a plan with specific time frames by which all persons with disabilities, including those with intellectual disabilities, would be living independently in the community.

58. **Mr. Ishikawa** asked what mechanisms were in place for monitoring violence against persons with disabilities in institutions such as care homes and specialized schools, filing complaints concerning such acts of violence and providing remedies.

59. **Mr. Buntan** asked how NGOs and other representative organizations were involved in the process of formulating, implementing and monitoring policies related to the Convention. He also wished to know to what extent disaster reduction and other humanitarian response plans and policies were disability inclusive, particularly in terms of the accessibility of information, shelters and evacuation processes. Lastly, he asked whether emergency calls were accessible to all persons with disabilities.

60. **Mr. Chaker** asked whether the Government had or was planning to implement a national emergency notification system that was accessible to all persons with disabilities.

61. **Mr. Ruskus** asked to what extent the reforms concerning support for persons with disabilities and disability assessments were in line with the rights-based provisions of the Convention and whether the derogatory language with regard to incapacity had been removed from the draft new disability assessment form. He also wished to know what was being done to ensure that judicial buildings and police stations were accessible to persons with physical disabilities; whether the Government would consider repealing all legal provisions allowing for the involuntary treatment and institutionalization of persons with disabilities, particularly those with psychosocial disabilities; what efforts had been made to develop recovery-oriented and community-based services for persons with psychosocial disabilities; what arrangements were in place to ensure reasonable accommodation and access to quality health care for persons with disabilities in places of detention; and how the State party guaranteed that women and girls with disabilities had access to supported decision-making and were not subjected to sterilization without their free and informed consent.

62. **Ms. Spurek** (National Human Rights Institution, Poland) said that further progress needed to be made before persons with disabilities in Poland could enjoy all human rights fully and equally. One step would be the adoption of a comprehensive national strategy for the implementation of the Convention and accession to the Optional Protocol. Persons with disabilities continued to face multiple discrimination, and the legal remedies available lacked effectiveness. The Act on Equal Treatment, for instance, prohibited discrimination only in the areas of vocational training and employment, and the Criminal Code did not recognize hate crimes against persons with disabilities as separate offences. Furthermore,

there was no system of supported decision-making for persons with disabilities, and no community-based support or personal assistance.

63. **Mr. Michalkiewicz** (Poland) said that the concept of disability and the situation of persons with disabilities were evolving in Poland and that progress was being made in implementing the Convention. The Government sought to foster dialogue with all persons with disabilities and to respond to their varying needs.

The meeting rose at 5.55 p.m.